

REMARKS

Claims 1-49 have been examined. Claim 45 has been rejected under 35 U.S.C. § 112, second paragraph, claims 1-19, 40, 41, 42, 43, 45 and 49 have been rejected under 35 U.S.C. § 102(e), and claims 44 and 48 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 20-39, 46 and 47 contain allowable subject matter.

I. Preliminary Matters

The Examiner maintains that the Applicant has not complied with one or more conditions for receiving the benefit of the earlier filed U.S. Application 09/812,205. The undersigned contacted the Examiner on January 21, 2005 to discuss the objection. In order to overcome the objection, the Examiner requested that the first paragraph of the Application be amended to refer to the U.S. Application. Accordingly, Applicant has amended the specification, and respectfully requests the Examiner to withdraw the objection.

Applicant submits that the above comments are a complete and accurate record of the discussion conducted with the Examiner on January 21, 2005. Accordingly, Applicant submits that such statements constitute a statement of summary of the Interview.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 45 under 35 U.S.C. § 112, second paragraph, due to an antecedent basis error. Accordingly, Applicant has amended claim 45 in a manner believed to overcome the rejection.

Amendment under 37 C.F.R. § 1.111
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III. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,457,040 to Mizuhara et al. (“Mizuhara”)

The Examiner has rejected claims 1-19, 40 and 41 under 35 U.S.C. § 102(e) as being anticipated by Mizuhara.

A. Claim 1

As stated above, the Examiner has indicated that claim 26 contains allowable subject matter. Accordingly, since Applicant has incorporated the allowable subject matter of claim 26 into claim 1, Applicant submits that claim 1 is now patentable over the cited reference, and respectfully requests the Examiner to withdraw the rejection.

B. Claims 2-19, 40 and 41

Since claims 2-19, 40 and 41 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

IV. Rejections under 35 U.S.C. § 102(e) in view of EP 825506 to Thibault et al. (“Thibault”)

The Examiner has rejected claims 42, 43, 45 and 49 under 35 U.S.C. § 102(e) as being anticipated by Thibault.

A. Claim 42

As stated above, the Examiner has indicated that claim 46 contains allowable subject matter. Accordingly, since Applicant has incorporated the allowable subject matter of claim 46 into claim 42, Applicant submits that claim 42 is now patentable over the cited reference, and respectfully requests the Examiner to withdraw the rejection.

B. Claims 43, 45 and 49

Since claims 43, 45 and 49 are dependent upon claim 42, Applicant submits that such claims are patentable at least by virtue of their dependency.

V. Rejections under 35 U.S.C. § 103(a) in view of Thibault

The Examiner has rejected claims 44 and 48 under 35 U.S.C. § 103(a) as being obvious over Thibault. However, since claims 44 and 48 are dependent upon claim 42, Applicant submits that claims 44 and 48 are patentable at least by virtue of their dependency.

VI. Allowable Subject Matter

As stated above, the Examiner has indicated that claims 20-39, 46 and 47 contain allowable subject matter. Accordingly, Applicant has incorporated the subject matter of claim 26 into claim 1 (and canceled claims 13 and 26 without prejudice or disclaimer), has rewritten

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claims 20 and 22 into independent form, and has incorporated the allowable subject matter of claim 46 into claim 42 (and canceled claim 46 without prejudice or disclaimer). Accordingly, Applicant submits that claims 1-12, 13-25, 27-45 and 47-49 are now in condition for allowance.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: February 14, 2005 (since February 13, 2005 fell on a Sunday)